

**E2SHB 1618** - S COMM AMD

By Committee on Government Operations & Elections

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** This act shall be known as the community  
4 schools act of 2009.

5 NEW SECTION. **Sec. 2.** The legislature finds that young people need  
6 a wide range of opportunities and a strong support system to succeed.  
7 A quality academic program is necessary but is not sufficient, given  
8 societal factors, family circumstances, poverty, and health problems.  
9 All children, regardless of their economic, racial, or family  
10 circumstances, deserve access to a full array of opportunities. The  
11 legislature also finds that cooperative partnerships and joint use of  
12 facilities between public schools, local governments, early learning  
13 providers, health and social service providers, and postsecondary  
14 institutions can result in the effective use of federal, state, local,  
15 and community resources. Such partnerships build on community  
16 strengths, foster family and community engagement, share accountability  
17 for results, and set high expectations for all. The legislature  
18 further finds that surplus schools are community assets that should be  
19 reused for maximum public good to benefit communities.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.63A RCW  
21 to read as follows:

22 (1) The community schools program is created in the department of  
23 community, trade, and economic development to provide capital grant  
24 funds for the development of community schools and to convert empty  
25 school buildings into community facilities.

26 (2) The purposes of the program are: (a) Improving the  
27 coordination, availability, and effectiveness of services for children  
28 and families; (b) helping children to come to school ready to learn

1 every day; (c) enabling families to participate in the education of  
2 their children; (d) enabling more efficient use of federal, state,  
3 local, and private sector resources that serve children and families;  
4 (e) enabling the use and improving the access to surplus schools for  
5 community purposes; and (f) assisting school districts with the  
6 conversion of surplus schools from illiquid assets to liquid capital  
7 funds.

8 (3) Grants provided through the program may be used for the  
9 acquisition, construction, rehabilitation, and improvement of  
10 facilities to assist with the implementation of this act.

11 (4) The department of community, trade, and economic development  
12 shall:

13 (a) Establish a competitive process to solicit project proposals  
14 that assist eligible entities in acquiring, constructing,  
15 rehabilitating, or improving facilities, including surplus schools, to  
16 be used for the delivery of nonresidential qualified services in  
17 surplus school buildings, on school grounds, or within a reasonable  
18 safe walking distance from the school given the age of the students;

19 (b) Evaluate and rank applications in consultation with an  
20 independent advisory board using objective criteria;

21 (c) Establish a tiered system to determine the amount of matching  
22 funds required from a grantee based on financial need, taking into  
23 consideration:

24 (i) Community purpose; and

25 (ii) The ability of the applicant to obtain matching funds; and

26 (d) Establish a prioritized list of capital projects in  
27 consultation with the advisory board and submit the list annually to  
28 the governor and the legislature in the department's capital budget  
29 request beginning with the 2011-2013 biennium. The list must include  
30 a description of each project, the amount of recommended state funding,  
31 and documentation of nonstate funds to be used for the project.

32 (5) In evaluating and ranking applications in consultation with an  
33 independent advisory board, the department of community, trade, and  
34 economic development shall give priority consideration to projects that  
35 provide multiple qualified services and that demonstrate usage beyond  
36 the traditional school day to include usage before and after school, on  
37 weekends, and all year use.

1 (6) Nonstate matching funds may include cash, the value of real  
2 property when acquired solely for the purpose of the project, and in-  
3 kind contributions.

4 (7) The department of community, trade, and economic development  
5 may not: (a) Require that state funds be the last to be spent on a  
6 project; or (b) set a monetary limit to funding requests.

7 (8) The department of community, trade, and economic development  
8 shall not sign contracts or otherwise financially obligate funds under  
9 this section until the legislature has approved a specific list of  
10 projects.

11 (9) In contracts for grants authorized under this act, the  
12 department of community, trade, and economic development shall include  
13 provisions that require that capital improvements must be held by the  
14 grantee for a specified period of time appropriate to the amount of the  
15 grant and that facilities must be used for the express purpose of the  
16 grant. If the grantee is found to be out of compliance with provisions  
17 of the contract, the grantee shall repay to the state general fund the  
18 principal amount of the grant plus interest calculated at the rate of  
19 interest on state of Washington general obligation bonds issued most  
20 closely to the date of authorization of the grant.

21 (10) As part of the application process, applicants must submit a  
22 comprehensive plan that includes information on the following:

23 (a) A list of partner entities that will assist the lead eligible  
24 entity to provide or coordinate qualified services;

25 (b) A memorandum of understanding between the lead eligible entity  
26 and each partner entity describing the role each entity will assume;

27 (c) Plans for joint utilization and maintenance of school and  
28 community facilities by the lead eligible entity and its partner  
29 entities, as well as liability considerations;

30 (d) The student, family, and school community to be served,  
31 including information about the number of students, families, and  
32 community residents to be served, frequency of services, and  
33 information related to the percent of local elementary students that  
34 receive free and reduced-price meals in the target area;

35 (e) Existing qualified services available at each school to be  
36 served and in the community involved;

37 (f) The location of the proposed project, including that if the

1 project is not on school grounds, or is not a surplus school, then  
2 documentation is required that the proposed project is within a  
3 reasonable safe walking distance for the age of the students;

4 (g) Qualified services to be provided or coordinated by the lead  
5 eligible entity and its partner entities; and

6 (h) An examination of capital and operating funding sources that  
7 applicants intend to apply to the project and qualified services at  
8 each school to be served, whether such funding is derived from grants  
9 under this act or from other federal, state, local, or private sources.

10 (11) Project applicants must also demonstrate that the proposed  
11 project is ready to proceed, will make timely use of the funds, and  
12 requires state funding to accomplish a discrete, usable phase of the  
13 project.

14 (12) If state grant funds under this act are used for the  
15 acquisition of surplus school facilities, sale proceeds must be used by  
16 the local school board disposing of such property for renovation,  
17 replacement, or new construction of school facilities in the district.

18 (13) No state general funds may be used for development and  
19 implementation of this program.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.63A RCW  
21 to read as follows:

22 The definitions in this section apply throughout section 3 of this  
23 act unless the context clearly requires otherwise.

24 (1) "Advisory board" means an independent advisory board including,  
25 but not limited to, a representative from the office of the  
26 superintendent of public instruction, an early learning expert, a youth  
27 recreational facility expert, a social service facility expert, a local  
28 school district representative, and a public higher education  
29 representative.

30 (2) "Community school" means both a place and a set of partnerships  
31 between entities including, but not limited to, public schools,  
32 postsecondary institutions, local governments, nonprofit early learning  
33 providers, and other nonprofit community resources with an integrated  
34 focus on academics, health and social services, youth and community  
35 development, and community engagement.

36 (3) "Eligible entity" means a public school district, local

1 government, nonprofit organization, nonprofit early learning provider,  
2 or tribal government.

3 (4) "Qualified services" means the following:

4 (a) Early childhood education;

5 (b) Remedial education activities and academic enrichment  
6 activities;

7 (c) Programs that promote parental involvement and family literacy;

8 (d) Youth development programs;

9 (e) Parent leadership development activities;

10 (f) Parenting education activities;

11 (g) Child care services;

12 (h) Community service opportunities;

13 (i) Programs that provide assistance to students who have been  
14 truant, suspended, or expelled;

15 (j) Job training and career counseling services;

16 (k) Nutrition services;

17 (l) Primary health and dental care;

18 (m) Mental health prevention and treatment services;

19 (n) Adult education, including instruction in English as a second  
20 language;

21 (o) Solely with respect to surplus schools any nonprofit, community  
22 use or community purpose; and

23 (p) Other services as determined by the advisory board.

24 (5) "Surplus school" means a facility that is determined to be  
25 surplus to the needs of a district by the local school board.

26 **Sec. 5.** RCW 43.63A.135 and 2006 c 371 s 234 are each amended to  
27 read as follows:

28 (1) The department of community, trade, and economic development  
29 must establish a competitive process to solicit proposals for and  
30 prioritize projects whose primary objective is to assist nonprofit  
31 youth organizations in acquiring, constructing, or rehabilitating  
32 facilities used for the delivery of nonresidential services, excluding  
33 outdoor athletic fields.

34 (2) The department of community, trade, and economic development  
35 must establish a competitive process to prioritize applications for the  
36 assistance as follows:

1 (a) The department of community, trade, and economic development  
2 must conduct a statewide solicitation of project applications from  
3 local governments, nonprofit organizations, and other entities, as  
4 determined by the department of community, trade, and economic  
5 development. The department of community, trade, and economic  
6 development must evaluate and rank applications in consultation with a  
7 citizen advisory committee using objective criteria. Projects must  
8 have a major recreational component, and must have either an  
9 educational or social service component. At a minimum, applicants must  
10 demonstrate that the requested assistance will increase the efficiency  
11 or quality of the services it provides to youth. The evaluation and  
12 ranking process must also include an examination of existing assets  
13 that applicants may apply to projects. Priority consideration must be  
14 given to projects that include cooperative partnerships or joint use  
15 agreements for facilities shared with public school districts,  
16 nonprofit early learning providers, local governments, postsecondary  
17 institutions, tribal governments, or other entities as determined by  
18 the department of community, trade, and economic development. Grant  
19 assistance under this section may not exceed twenty-five percent of the  
20 total cost of the project. The nonstate portion of the total project  
21 cost may include cash, the value of real property when acquired solely  
22 for the purpose of the project, and in-kind contributions.

23 (b) The department of community, trade, and economic development  
24 must submit a prioritized list of recommended projects to the governor  
25 and the legislature in the department of community, trade, and economic  
26 development's biennial capital budget request beginning with the  
27 (~~2005-2007~~) 2011-2013 biennium and thereafter. The list must include  
28 a description of each project, the amount of recommended state funding,  
29 and documentation of nonstate funds to be used for the project. The  
30 total amount of recommended state funding for projects on a biennial  
31 project list must not exceed eight million dollars. The department of  
32 community, trade, and economic development may not sign contracts or  
33 otherwise financially obligate funds under this section until the  
34 legislature has approved a specific list of projects.

35 (c) In contracts for grants authorized under this section the  
36 department of community, trade, and economic development must include  
37 provisions that require that capital improvements be held by the  
38 grantee for a specified period of time appropriate to the amount of the

1 grant and that facilities be used for the express purpose of the grant.  
2 If the grantee is found to be out of compliance with provisions of the  
3 contract, the grantee must repay to the state general fund the  
4 principal amount of the grant plus interest calculated at the rate of  
5 interest on state of Washington general obligation bonds issued most  
6 closely to the date of authorization of the grant.

7 **Sec. 6.** RCW 28A.525.050 and 2006 c 263 s 303 are each amended to  
8 read as follows:

9 All applications by school districts for state assistance in  
10 providing school plant facilities shall be made to the superintendent  
11 of public instruction. Studies and surveys shall be conducted by the  
12 superintendent for the purpose of securing information relating to (1)  
13 the kind and extent of the school plant facilities required and the  
14 urgency of need for such facilities in districts that seek state  
15 assistance, (2) the ability of such districts to provide capital outlay  
16 funds by local effort, (3) the need for improvement of school  
17 administrative units and school attendance areas among or within such  
18 districts, and (4) any other pertinent matters. Studies and surveys  
19 must also include an inventory of school district facilities jointly  
20 used, or that could potentially be used for other community purposes,  
21 including \_\_ detail \_\_ on \_\_ cooperative \_\_ partnerships. Recommendations  
22 respecting action on the applications shall be submitted to the  
23 superintendent of public instruction.

24 **Sec. 7.** RCW 28A.335.130 and 2004 c 6 s 2 are each amended to read  
25 as follows:

26 Except as provided in RCW 28A.335.240(1) and section 3 of this act,  
27 the proceeds from any sale of school district real property by a board  
28 of directors shall be deposited to the debt service fund and/or the  
29 capital projects fund, except for amounts required to be expended for  
30 the costs associated with the sale of such property, which moneys may  
31 be deposited into the fund from which the expenditure was incurred.

32 NEW SECTION. **Sec. 8.** If specific funding for the purposes of this  
33 act, referencing this act by bill or chapter number, is not provided by  
34 June 30, 2009, in the omnibus appropriations act or the capital  
35 appropriations act, this act is null and void."

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1        On page 1, line 1 of the title, after "schools;" strike the  
2 remainder of the title and insert "amending RCW 43.63A.135,  
3 28A.525.050, and 28A.335.130; adding new sections to chapter 43.63A  
4 RCW; and creating new sections."

EFFECT: Adds a null and void clause. This act will take effect only if specific funding is provided by June 30, 2009, in the omnibus appropriations act or the capital appropriations act.

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